

a memorial day, in which said resolutions shall be presented to the Senate.

Resolutions adopted.

On motion of Senator Homan, the Senate adjourned to 9:30 a. m. to-morrow.

SECOND DAY.

SENATE CHAMBER,)
AUSTIN, TEXAS, April 7, 1882. }

Senate met pursuant to adjournment. The President in the chair.

Roll called; quorum present.

Prayer by the chaplain.

On motion of Senator Swain, the reading of the minutes of yesterday's proceedings was dispensed with.

Senator Homan, from Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 7, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Printing, to whom was referred the resolution providing for the printing of the journals of the Senate, and for subscriptions to daily papers for the use of the Senate, have considered the same, and respectfully recommend the adoption of the accompanying substitute therefor.

HOMAN, for Committee.

Resolved, That the Committee on Public Printing be authorized to contract for the printing of one hundred copies, daily, of the journal of the Senate, in quarto form, for distribution, and five hundred copies daily to be reserved for binding, and that each Senator be allowed to subscribe for not more than fifty copies of such daily papers as he may select, containing a synopsis of the proceedings of the Senate, at a cost not to exceed three cents a copy.

Substitute adopted, and resolution, as substituted, adopted.

Senator Shannon introduced a bill entitled "An act to apportion the State of Texas into eleven congressional districts, and to provide that each district so apportioned shall be entitled to elect one member to the Congress of the United States." Read by caption and referred to Committee on Congressional Apportionment.

Senator Buchanan introduced a bill entitled "An act to amend article 4256 of the Revised Statutes of the State of Texas." Referred to Committee on Internal improvement.

Senator Stubbs introduced a bill entitled "An act to adjust the State's indebtedness to the university fund, and to make an appropriation therefor." Referred to Committee on Finance.

Senator Harris introduced a bill entitled "An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the extra session of the Seventeenth Legislature." Referred to Committee on Finance.

Also, a bill entitled "An act making an appropriation to pay the contingent expenses of the extra session of the Seventeenth Legislature." Referred to Committee on Finance.

Senator Stubbs introduced a bill entitled "An act to extend the time in which all persons whose lands have been sold for taxes and bought in by the State may redeem the same." Referred to Committee on Finance.

Senator Shannon introduced a bill entitled "An act to amend section 5, chapter 105, General Laws of the State of Texas, passed at the regular session of the Seventeenth Legislature, approved April 6, 1881." Referred to Committee on Public Lands.

Also, a bill entitled "An act to provide for the sale of a portion of the public lands of the State of Texas, and the investment of the proceeds of such sales." Referred to Committee on Public Lands.

Senator Shannon offered the following resolution:

Resolved, That the Senate Committee on Congressional Apportionment be increased to eleven.

Adopted.

On motion of Senator Lightfoot, Senators Weathered and Wynne were excused for non-attendance at the Senate on yesterday.

The President assigned the new members, Senators Browne, Davis, McDonald and McLane, to committees as follows, viz:

To Judiciary Committee, No. 1, Senators McLane and Browne.
To Judiciary Committee, No. 2, Senators McDonald and Davis.
To Committee on Educational Affairs, Senator Davis.
To Committee on Internal Improvements, Senators Browne and McLane.
To Committee on Finance, Senators Browne and Davis.
To Committee on Private Land Claims, Senator Davis.
To Committee on Penitentiary, Senator McDonald.
To Committee on Public Claims and Accounts, Senator McDonald.
To Committee on Public Debt, Senator Browne.
To Committee on Public Printing, Senator Davis.
To Committee on Frontier Protection, Senators McLane and Browne.

To Committee on State Asylums, Senators McDonald and McLane.

To Committee on Retrenchment and Reform, Senators Brown and McDonald.

To Committee on Comptroller's and Treasurer's Departments, Senator McLane.

To Committee on Judicial Districts, Senators McDonald and McLane.

To Committee on Engrossed Bills, Senator Davis.

The President assigned as a committee to report memorial resolutions for the members whose seats have been made vacant by death, the following Senators: Henderson, Stewart, Lightfoot, Terrell and Houston.

On motion of Senator Harris, the Senate took a recess of thirty minutes.

Recess expired, and Senate called to order.

Senator Henderson offered the following resolution:

Resolved, That the memorial committee appointed by the President of the Senate to draft and present suitable resolutions commemorative of deceased members of the Senate be granted until the twenty-second of April to report said resolutions to the Senate, and that the morning session of said day be set apart as a memorial day, instead of the eighth of April, as in the original resolution.

Adopted.

The following message was received from the House:

I am directed by the House to inform your honorable body that the House has completed its organization by the election of the following officers: Jno. P. Kirk, Calendar Clerk, vice M. A. Harvey, deceased; J. E. McMorris, Postmaster and Messenger, vice Quitman Finlay, resigned.

Also, that the House has adopted the following Senate concurrent resolution:

Resolved by the Senate of the State of Texas, the House concurring, That a committee of three be appointed by the President of the Senate to act with a like committee from the House, for the purpose of making investigations of places of business and suitable buildings and offices for the Supreme Court, Court of Appeals and Commissioners of Appeals; that said committee report their action upon said matter as soon as practicable, by bill or otherwise.

And that Messrs. Carleton, Faulk and Upton have been appointed a committee upon the part of the House.

Also, that the House has adopted the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That the joint resolution adopted by the regular session of the Seventeenth Legislature, providing for the apportionment, a joint committee of the House and Senate on congressional apportionment be, and the same is hereby rescinded; and that each house appoint such committee or committees on apportionment as they respectively may see proper.

WILL LAMBERT, Chief Clerk.

Also, that the House has adopted the following concurrent resolution:

WHEREAS, A scandalous publication has been made in the *San Antonio Daily Express*, of date April 6, 1882, charging grave irregularities in the conduct of the Blind Asylum, an institution of this State, which demands investigation at the hands of this Legislature;

Resolved, That a committee of three from the House, to act in conjunction with a like committee of three from the Senate, be appointed, whose duty it shall be to examine into and investigate the charges made, and make such report as they may deem proper in the premises.

And that Messrs. Johnston, Baker and Frymier have been appointed as said committee on the part of the House.

The following proclamation and message were received from the Governor, which were read by the Secretary:

PROCLAMATION BY THE GOVERNOR OF TEXAS, CONVENING A SPECIAL SESSION OF THE LEGISLATURE.

EXECUTIVE OFFICE,
AUSTIN, TEXAS, March 1, 1882

WHEREAS, An extraordinary occasion has arisen for the action of the Legislature; now, therefore, I, O. M. Roberts, Governor of Texas, by virtue of the authority vested in me by the Constitution of the State, do issue this my proclamation convening the Legislature in special session at Austin, the seat of government, on sixth of April, 1882, for the following purposes, to-wit:

1. To apportion the State into congressional districts and establish the same by law.
2. To apportion the State into senatorial and representative districts and establish the same by law.
3. To make provision for supplying the place of the capitol that has been burned in every respect that may be necessary until the new capitol shall have been finished; for supplying all books, furniture and other things made necessary by said burning; and for every other thing that may be necessary for the efficient operations of the legislative, executive and judicial departments of the government in the discharge of their respective duties and functions.
4. To make provision for everything that may be deemed necessary to facilitate the erection of the new State capitol, and to take such other action as may be deemed proper in regard to the buildings, lots, or other things within the capitol square.
5. To take action, by appropriations or otherwise, for supplying water, and for making other necessary improvements to the Lunatic Asylum, and to other public buildings at the seat of government.
6. To make further improvements and regulations for the State penitentiaries, and in regard to the penal servitude of the State generally, in anticipation of the expiration of the present lease, which terminates on the first day of January, next year, prior to the regular session of the Legislature.
7. To take such action as may be necessary in regard to the University of Texas and its branches, in everything relating to their government, the relation between them, the increase and disposition of their funds, and to take such further action as may be deemed necessary and proper in any and every respect for the support and maintenance of the Prairie View Normal School, and for the discharge of its debts and liabilities.
8. To make further provision for the disposition, by sale, lease, or otherwise, of the lands belonging to the public free schools, to the university, to the asylums, and of the lands reserved to pay the public debt; and to provide for the investment thereof, so that the permanent funds may not be diminished at every investment.
9. To pass necessary laws to require the railroads in the State to be kept in good condition, so as to render travel and transportation on them safe and expeditious, and to prevent abuses and unjust discriminations; to regulate freight and passenger tariffs, and to provide practicable remedies for the enforcement of such laws, not only on the companies, but on the officers who manage and control said railroads.
10. To reduce the taxes, both ad valorem and occupation, so far as it may be found consistent with the support of an efficient State government.
11. To consider and act upon such other subjects as may be presented during the session by the Governor.

In testimony whereof, I have hereto signed my name and [L. S.] caused the seal of State to be affixed, at the city of Austin, this first day of March, A. D. 1882.

By the Governor:

O. M. ROBERTS, Governor.

T. H. BOWMAN, Secretary of State.

EXECUTIVE OFFICE.
AUSTIN, TEXAS, April 6, 1882. }

To the Honorable Senate and House of Representatives in the Legislature assembled:

A special session of the Legislature has been made necessary by the apportionment of members in the House of Representatives in the Congress of the United States, by which five additional Representatives have been allowed to Texas. This being a larger increase than in any other State of the Union, is a most satisfactory exhibition of the rapid increase of our population and of our growing strength in the Federal council. One of the subjects submitted for your action is the apportionment of the State into congressional districts. This increase of population, not having been proportionally equal in the different parts of the State, makes it necessary and proper that I should also submit for your action the apportionment of the State into senatorial and representative districts. The basis of representation in the State Senate being, under the present Constitution, according to the qualified electors, and that of the House of Representatives according to population, authentic information to guide you in your action has been procured, and will be furnished by the Secretary of State.

Another purpose for convening the Legislature in special session is to make provision for supplying the place of the capitol that has been burned, in every respect that may be necessary, until the new capitol shall have been finished, for supplying all books, furniture and other things made necessary by said burning, and for every other thing that may be necessary for the efficient operations of the legislative, executive and judicial departments of the government in the discharge of their respective duties and functions.

On the ninth of day of November, 1881, the State capitol was consumed by an accidental fire, that occurred about 11 o'clock, a. m. of that day. Notwithstanding the efforts of the officers, vigorously aided by the fire companies, and other citizens of Austin, the fire had advanced too far, before it was discovered, to be extinguished by the supply of water, that could be obtained for that purpose. By the aid of the citizens, most of the books, records and furniture in the offices in said buildings were removed, and saved from the flames. The fire commenced in one of the rooms used for storing books and papers, in the first story, and though it had considerably advanced, when it was discovered, it is believed that it could have been extinguished if there had been an ample supply of water; and proper appliances for using it. The State library, geological specimens, and other things in the library room of the third story, the furniture, most of the portraits, and other things in the second story were burned. A few of the books in the store room were saved, an account of which will be furnished to you by the Secretary of State in his report relating thereto. The books saved were the Revised Statutes, and the Reports of the Supreme Court, and of the Court of Appeals. His report will also show the volumes of the reports needed to supply the counties, a proper provision for which is respectfully recommended. By the county judge and sheriff of Travis county, any other citizens of Austin, rooms necessary for the several executive offices were promptly tendered and furnished.

Arrangements have been made to procure Millett's Opera Hall for the House of Representatives and the Armory Hall, in the same block, for the Senate, during the present session. The opera hall was tendered by Mr. C. F. Millett, and the Armory Hall by a number of lodges that occupied it, to-wit: Travis Lodge, No. 1015 K. of H.; Lone Star Lodge, No. 1, A. O. U. W.; Protection Lodge No. 61, K. and L. of H.; Milan Lodge, I. O. O. F.; Johnson Encampment; and Castle Alhambra, No. 135, K. of the G. R.

At my request, Mr. C. F. Millett voluntarily undertook also to fit up said halls for the use of the Legislature.

Mr. Wm. Brueggerhoff has tendered the use of as many rooms in his building, on Congress Avenue, as may be necessary for the use of the Supreme Court, Court of Appeals, and Commissioners of Appeals.

There was no authority vested in me or in any other officer to make contracts for the objects here referred to, and none have been made. It has been done in anticipation of what would be deemed necessary in this emergency by the Legislature, and is dependent upon your recognition of its propriety, and upon your action consequent thereon.

I respectfully recommend that a liberal compensation may be given to those who have thus exhibited their trust and confidence in the justice of your honorable bodies.

The burning of the capitol makes it necessary to make provision to supply its place, until the new capitol, now under contract, shall have been finished for the use of the Legislature and executive officers. In this connection some immediate action will be required, on account of the construction of the new capitol on the ground now occupied by the Supreme Court building and a part of the treasury building.

The reports of the Capitol Board and of the Commissioners will exhibit to you their acts in the execution of the laws passed for the erection of the new capitol, with the size and character of its structure,

which will show the necessity for the removal of the Supreme Court and treasury buildings.

At first the expectation was entertained that those houses could be removed solidly to a lot in the eastern portion of the capitol square, without being taken down. Upon investigation, it was found that it would cost nearly, if not quite, as much money as to take them down and rebuild them, and was therefore impracticable. Could that have been done, the two first stories of the old capitol might have been fitted up in a plain style for the use of the Legislature and the executive officers at a cost of less than ten thousand dollars, which would have been much cheaper than to rent houses during the five or six years that must elapse before the completion of the new capitol.

The subject of building a house out of the materials of the houses that are in the capitol square, at the expense of the State, has also been, to some extent, investigated and considered. The objection to that is the expense of it, the delay in building it, and the placing a large house upon the capitol square, for which the State would have no use after the new capitol is finished.

Propositions have been made to sell to the State several large houses, either of which may be fitted up with halls for the Legislature and courts, and with rooms for the officers, at a small expense. The propositions will be submitted to you for your consideration. The house that may be selected and purchased can doubtless be sold, when no longer needed, for as much or more than it will cost now, and it can be fitted up for use in a very short time, and thereby the cost of renting may be saved. I have no hesitation in recommending this as the cheapest and most practical plan for supplying halls and offices, during the time that the new capitol is being built. This being done, all the materials in the houses on the capitol square, that are to be removed, could be advertised and sold, and be at once removed so as to be no longer any obstruction in the erection of the new capitol; and being sold now, while numerous buildings are being erected, and to be shortly hereafter erected, the materials would likely sell for something more than if they were removed at the expense of the State, and were then sold.

The Capitol Board and the Commissioners have acted harmoniously together, in everything relating to their duties, as required of them by the several laws for the erection of the new capitol. To show their solicitude and arduous labors on that subject, it is only necessary to mention the fact, that after the preliminary specifications and working plans of the new capitol had been submitted to them by the architect, Mr. E. E. Myers, of Detroit, Michigan, who had been employed to prepare them, they held a continuous session of four weeks, examining every item of the same in connection with, and by the aid of the architect, until they were satisfied that everything had been provided for, including the form and terms of a contract, that would secure to the State a large, commodious and magnificent building, with all of the necessary modern appliances, for the capitol.

The distinctive features in their work are, that there are substantially no discretions left as to the materials to be used and work to be done, and that any alterations therein are to be provided for by a new contract, without invalidating the one first made. The contract has been taken to build the house, according to the plans and specifications, for the three millions of acres of lands, which were set apart for that purpose, by a Mr. Mathias Schnell, who has associated with him in the undertaking a number of responsible capitalists, that secures the due execution of the work.

A most important matter still to be attended to, is to secure a thoroughly competent supervision of this work in its progress, so that the plan and specifications of the building shall be performed according to the contract.

The law allows only fifteen hundred dollars per year for a superintendent, who is required to be a skillful architect. That is not more than half enough to pay a skillful architect to attend strictly to his duties every day, as is required by the law. Nor could we have engaged one, as we have done since the work was commenced, except upon the expectation that a higher salary would be given, when the importance of it shall have been fully appreciated. It is of the first importance that the superintendent should look to no other source than to his salary from the State for a compensation for the exertion of his skill, firmness, integrity and constant attention to this business. If a more liberal salary can secure this, it will be treat economy in the end.

The compensation of the commissioners is fixed by law at five hundred dollars per year for each of them. The commissioners have done a great deal of necessary work, besides that which was required of them by the law; partly because there was no superintendent appointed by the Capitol Board during most of the time since the law went into operation. They have been paid their salaries, and no more, except during one month and a half, when they were employed by the board to examine the rock-quarries and select specimens of materials for the building. During that time \$100

per month was paid to each of them. Their services have been worth much more to the State than the amount of money that has been paid to them. The law requires the commissioners to inspect the work on the first Monday of every month, while the work progresses. It would certainly be better to require them to do it on Monday of every week, so as to keep in their minds a full knowledge of everything being done; and in that event their compensation should be double what is now allowed them.

The Legislature appropriated, by the act of 1879, the sum of six thousand dollars to carry out its provisions, in the event a contract was made to build the house for the land. But a very small amount of that, three dollars and forty-four cents, has been used. The entire amount of money, with that exception, that has been expended about the new capitol, in any way whatever up to the present time, has been derived from one-half of the proceeds of the fifty thousand acres of land set apart for that purpose by the act of 1879, and from the appropriation of the sum of ten thousand dollars per annum for two years out of the general revenue, by the act approved first of April, 1881, which amount the contractor is required by the contract to refund to the treasury, in pursuance to the law. Of this amount there still remains on hand in the treasury unexpended the sum of three thousand six hundred and twenty-nine dollars and nine cents. An itemized report of its expenditure up to the present time will be made to the Legislature.

Thus have the lands in the most remote part of the State been made available to secure a contract for the building of a magnificent capitol, and to defray the incidental expenses in the accomplishment of that object so far. It is respectfully recommended that the Legislature will from this time on furnish such ample means as will insure with certainty the execution of the contract and the ultimate completion of the building.

LUNATIC ASYLUM.

A subject to which your attention is invited is to take such action as may be necessary for supplying water, and for making other necessary improvements to the Lunatic Asylum, and to other public buildings at the seat of government, and to make such additional appropriations as may be necessary for that and for any of the other public buildings.

I respectfully refer you to the report of the board of managers of the Lunatic Asylum, accompanied with the plans and estimates for an ample supply of water to that and to the other public buildings, and one of them gives estimates of sewerage for them.

The building and other improvements at the lunatic asylum that were provided for by the last session of the Legislature, have been delayed. It will be found, however, that the board have done good work for the State in the contracts they have made in carrying out the objects of the Legislature.

The work is now progressing. Their report will explain to you the necessity of additional appropriations for the support of said institution, and to enlarge its accommodations.

The annual reports of all of the asylums will also be submitted to you, that you may be informed of the manner in which they have been conducted. For the purpose of ascertaining the number of lunatics in the State not in the asylum, and the care taken of them, information has been sought and obtained from the county judges of a large number of the counties, which show in 123 counties 351 lunatics, of whom 182 are supported by the counties, 68 are in jails, and 180 confined or kept elsewhere in the counties. Very likely if all could be heard from, there would be over four hundred lunatics in the State that are not in the asylum.

The asylum is kept full, while many have to be refused admittance for the want of room for them at present.

The new building that will be completed some time next year, will accommodate over two hundred.

The erection of cottages for the officers, recommended in the report, will make room in the old building for thirty more. I think it only necessary to exhibit these facts to the Legislature. There can be no act of humanity more meritorious and of more urgent necessity than to make ample provision for the most unfortunate class of our population to the full extent, so that it might never be necessary to refuse admittance to a lunatic, whether with or without compensation.

The board have made such provisions for supplying water, heating, ventilation and sewerage to the asylum as the means furnished them would permit, as is shown in their report. The water supply and sewerage will not be sufficient for all purposes and emergencies, and hence they have carefully examined into the subject, and had surveys, plans and estimates made for supplying water and sewerage to the asylum in a manner and on a scale large enough to supply the Lunatic Asylum, the University, and new Capitol, when built, the Blind Asylum and the other public buildings in Austin north of the Colorado river. It is only a matter of time when this must be done. We have a most convincing proof in so much of the standing remnant of the old capitol as the fire could not burn, that it should

be commenced now and be completed as soon as practicable, at each place, as it may be needed.

The Lunatic Asylum on fire and no adequate means to extinguish it would be a sight too horrible to contemplate, and the failure to supply such adequate means is a continual risk of a grave responsibility not being discharged. It is a thing not to be weighed by money, if the money may be commanded. But if we descend to the consideration of it as a question of money we have an illustration in the burning of our capitol. Less than one-fourth of the amount in value lost by its burning expended in an ample supply of water and the appliances for quickly using it, that fire would have been extinguished in thirty minutes after it was discovered. Furthermore, a component system of sewerage will be necessary for all of the buildings mentioned, and that itself will require an ample supply of water. It will cost less money, and be more efficient and permanent, to provide for a water supply and for sewerage upon one connected and comprehensive plan embracing all of those buildings, when needed, than if it is attempted efficiently for each one singly. If this should now be undertaken, only such appropriation need be made as will start and carry on the work on a plan that can be completed at such times as the wants of each of said buildings may require.

THE PENITENTIARIES.

A subject submitted to you is to make further improvements and regulations for the State penitentiaries, and in regard to the penal servitude of the State generally, in anticipation of the expiration of the present lease, which terminates on the first day of January next, prior to the regular session of the Legislature.

The necessity and propriety of legislative action, at this special session, will be apparent from the inspection of the reports of the Penitentiary Board, and of the Superintendent, which are herewith submitted to you.

It has been a subject of constant and anxious attention on my part, for the last three years, to enlarge and complete the two penitentiaries as soon as practicable; that as many convicts should be confined therein as possible; that the experiment of penitentiary labor in this State may be fairly tried, and that the convicts may be treated more humanely than they are, and can be, by being subject to labor on the farms, wood-camps and railroads. In the effort to accomplish this, our able and vigilant Superintendent has led the way, and has been aided by the Penitentiary Board, to the extent of the means placed under their control. The policy by which they have been inspired, is to place as many convicts as can be used to any profit within the walls of the penitentiaries, and to have the balance of them worked in large bodies upon farms. To accomplish and put this in operation successfully, at the termination of the present lease, it would be advantageous to have an appropriation, at this session of the Legislature, of money enough to fit up the two completed penitentiaries with new and improved machinery, of the sort that might be desired to be used, so that the parties leasing these penitentiaries might know in advance the amounts that the State would devote to that object, and the number of convicts that would be furnished for labor in each of them. It is only in this, or in some such way, that the experiment of such labor within the walls can be properly tested. By working the balance of the convicts in large bodies on farms, they can be taken care of better, and will be more healthy, there will be fewer escapes, and fewer of them will be wounded and killed in the effort to prevent escapes; they can be made equally as profitable to the State in that way, and a portion of them might be employed in the erection of another penitentiary in the western portion of the State.

By pursuing this policy steadily and persistently for a few years, the State will be able to place every convict within the walls of the penitentiary, as it should do, as soon as it can be done without too great a sacrifice of means. As an inducement for making a liberal appropriation to supply machinery, it should be recollected that since Messrs. Cunningham & Ellis have had the lease, large and valuable improvements have been made to both penitentiaries from the profits of the labor of the convicts; and, further, that the penitentiary system can never be made a proper reformatory institution, which should be one of its leading objects, until the convicts can be confined within the walls, and be there treated with all the kindness that their situation and conduct will permit. I respectfully refer you to the pardons and commutations granted by me, set forth in the report of the Secretary of State. The reasons assigned for granting them, filed in his office, will exhibit the fact that I have acted, in most of the cases, upon the ground of good conduct while in penal servitude. It has been done under the belief that the premium thus offered for good conduct would beget such a habit of conformity to the required rules of action to which they are subject as convicts, as to tend greatly to their reformation. They are thereby taught to depend upon themselves for relief, rather than upon the influence of friends or relatives in getting up petitions numerously signed, or upon sending influential persons to the Governor to pre-

sent their peculiar case, each of the cases being a *peculiar* case of hardship in the view of those who present them. When he gets his liberty upon his own merits as a convict, he feels that it is due to the justice of his government, and not to the sickly sympathy of others, that prompts them to sign petitions, nor to the efforts of persons of influence, procured sometimes, though, perhaps, not usually by compensation for their services. This policy that has been adopted has had a good effect, at least, in the control of the convict while under confinement. I beg leave, also, in this connection, to call your attention to, and ask your action upon, at this session, if found necessary, the practice in some counties of hiring county convicts to persons who carry them to distant counties, sometimes to unhealthy localities, where they are not treated as they should be. I have but limited information on this subject, but have incidentally learned of such a practice, and mention it that it may be inquired into and corrected, if it should be found to be an evil, and without authority of law, as I suppose it to be.

UNIVERSITY.

Another subject submitted for your action is the University of Texas and its branches with the recommendation that the Legislature shall take such action as may be necessary in everything relating to their government to the relation between them, to the increase and disposition of their funds; and to take such further action as may be deemed necessary and proper in every respect for the support and maintenance of the Prairie View Normal School, and for the discharge of its debts and liabilities.

In view of the hopes and efforts of those who have heretofore controlled public affairs, in laying the foundations of our institutions, and in view of the interests of those who shall be raised up in Texas to control its future destinies, this recommendation involves the most important matters that will be before the present session of the Legislature. It embraces a numerous variety of considerations, to which your especial attention is respectfully invited. So important did the members of the convention regard this matter of public interest that they made the most minute and specific regulations concerning it in the Constitution. They pointed out how it was to be located, and made provision for its branches; fixed its standard to be of first class; indicated the subjects of learning; enjoined it upon the Legislature as a duty to establish, organize and support it when practicable; prescribed exactly how and by what means that duty should be performed, by indicating what should constitute its permanent fund, and directing the appropriation of the interest on it only for its support. The election for the location of "The University of Texas," provided for by act of the last regular session of the Legislature, has been held, and Austin has been selected for the main university, and Galveston for the medical branch, as declared by the Secretary of State, whose duty under the law it was to receive and count the votes, and declare the result.

On the fifteenth of November last the Board of Regents previously appointed was convened at Austin, held a session of several days, had before them the reports of executive officers, showing the condition of the property and funds of the University, took such action as was then deemed by them necessary, and made a report, with recommendations; all of which has been printed, and will be submitted to you for your examination and consideration.

From these papers it will be seen that its entire means were as follows:

PERMANENT FUND.

Lands in Tom Green, Crockett and Pecos counties, 1,000,000 acres,
Lands in Cooke, Fannin, McLellan, Shackelford and Callahan counties, 32,335 acres.

Notes in the Treasurer's office to be invested in bonds when collected, \$155,000.

State bonds, 5s, 6s, and 7s, \$332,435.63.

Cash, to be invested in bonds, \$206.60.

AVAILABLE FUND

That has and will be on hand first of January, 1883, not including the appropriations made to the existing schools, to-wit: A. and M. College, and Prairie View School, \$47,035.11.

As explained in the Comptroller's report, the permanent fund may be increased by action of the Legislature, as follows:

Bonds issued in 1867, \$194,472.26.

Interest on them from January 1, 1867, at 5 per cent, to the seventeenth of April, 1876, that may be invested in bonds if allowed \$62,473.58.

Comptroller's certificate of indebtedness, \$10,300.41.

Available fund that may be added by action of Legislature recognizing the validity of the above bonds issued in 1867 and allowing interest on them from April 17, 1876, to January, 1879, when the bonds matured, \$18,209.77.

Upon subsequent inquiry from the Comptroller, I learn that upon

the basis as presented in that report, the annual interest on the bonds from the first of January, 1883, which would constitute the available fund, is estimated to be \$20,133.66, and if the bonds amounting to \$134,472.23 should be added to the permanent fund, the interest annually would amount to \$29,980.95. Further, that the annual increase of the available fund from the proceeds of the sales of lands would probably be not more than \$2000. This small increase arises from the provision of the Constitution, that requires the interest accruing upon the land sale notes, as well as the principal, that is annually paid into the State treasury, to be converted into interest-bearing bonds. It is provided, also, by the Constitution that all of the means that has been or may be devoted to the University, whether they be lands, donations or appropriations of money, shall first be converted into interest-bearing bonds of this State, or of the United States, as the permanent fund; and that appropriations out of the accruing interest of said bonds alone to be applied to the establishment and organization and provision for the maintenance, support and direction of "a university of the first class."

It was provided that the University of Texas should include an agricultural and mechanical department, but inasmuch as an agricultural and mechanical college had then (1875) already been established in Brazos county, it was made a branch of the University of Texas, and to remedy the difficulty of afterwards appropriating general revenue directly to complete the buildings and to furnish the necessary furniture, the Legislature was required, at its next session, to appropriate for those purposes an amount not exceeding \$40,000, which was done, and the appropriation was made and paid out of the general revenue of the State. The Legislature was also required, when deemed practicable, to establish and provide for the maintenance of a college or branch university, for the instruction of the colored youths of the State, to be located by a vote of the people, provided no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

That this institution, when established, as well as the Agricultural and Mechanical College, was intended to be a branch of the University of Texas, is manifested by the next and last section under the head of University in the Constitution, which sets apart "for the endowment, maintenance and support of said University and its branches" 1,000,000 acres of land. The Board of Regents of the University, as you may see from their report, provided for eighteen professorships, eleven for the main university and seven for the medical branch. This was prospective, as indicating what would be absolutely necessary in a first-class university when it could be established.

Doubtless other professorships would have been enumerated if there had then been any reasonable prospect of maintaining them by the means under their control. The branch university for colored youths would require a faculty of several professors to start with, and to be increased as the size of the school might make it necessary.

The Agricultural and Mechanical College now has six professors and a president in its faculty, who are paid by the interest of the special fund donated by the United States. If that institution is to be made an agricultural and mechanical department of a university of the first class, a large outlay of means for additional necessary improvements will have to be made, which can be drawn only from the available university fund. The buildings, libraries and apparatus of various sorts, for the main University and medical department, and ultimately for the branch for colored youths, will require very large outlays of means, which can be drawn only from the interest of the University fund. If Texas ever has a first class university, with all of its branches supplied, it will have forty or fifty professorships. Notwithstanding the obvious inadequacy of the means now provided to meet the requirement of the constitution of a university of the first class, it is still fortunate that an attempt has now been made to inaugurate it, because thereby a practical insight into what is needed has been obtained in time to supply the want, which might not otherwise have been done. To supply that want I respectfully recommend that at least 2,000,000 acres of land be set apart for the University and its branches, out of the lands reserved to pay the public debt; in support of which I beg leave to submit the following considerations, in addition to the necessity for it, which has already in part been presented:

By the Constitution of 1876, it is declared that one-tenth of the alternate sections of lands granted to railroads, which were set apart and appropriated to the establishment of the University of Texas, by an act of the Legislature of February 11, 1858, entitled "An act to establish the University of Texas," shall not be included in or constitute a part of the permanent university fund. The act of 1858, here referred to, required the Governor, from time to time, to select these sections, that were by it appropriated to the University, and

the Commissioner of the General Land Office to designate those thus selected as university sections.

By the provision in the Constitution that has been quoted, it was intended, doubtless, to prevent the selection and designation required by that act, and thereby to leave the one-tenth of the sections with the rest, as constituting a part of the lands belonging to the permanent fund of the public free schools of the State. Had this not been done the University would have had a most magnificent endowment of valuable lands, amounting, at the time it was done, in 1876, to about one million seven hundred thousand acres of land, and by the increase up to the present time of over three million of acres.

As a compensation for this, it may be inferred, the convention set apart for the University one million acres of land, which were not located and surveyed until four years afterwards; and being located in extreme western counties, are not proportionally as valuable as an equal amount of lands selected in the mode provided by the act of 1858. Had the tenth sections not been taken away from the University, there would still have been left for the common schools a magnificent endowment. In addition to this an appropriation was made out of the available University fund to pay the expenses of surveying the one million acres of land. There has been, from the early period of the Republic of Texas down through a series of years to the present time, a constant effort, in making endowments for public education, to keep the different grades of it, from the lowest to the highest, in harmony accordingly as each one was thought to need advancement to supply the future wants of the people. At some periods one grade or branch would be favored, and at other times another. Still no time during that long period have those efforts failed in the recognition of the importance of fostering and providing for all the grades of education, from the lowest to the highest, according to the wants of each, so that in the end a complete system of education should be amply provided for. It may be that in this instance the members of the convention intended to get rid of a troublesome matter in the selection of the lands out of those that had been surveyed and were to be surveyed, rather than to inflict any detriment upon the University fund.

The land thus taken away from the University cannot be restored, and it remains to be considered how it may be substituted. By an act of the Sixteenth Legislature there were lands estimated to amount to over 11,000,000 acres reserved to pay the public debt, and for common schools, the proceeds of which to be equally divided. Most of them are situated in the Panhandle and in the Texas and Pacific railroad reservation. They were offered for sale at fifty cents per acre. There were by an act of the last session of the Legislature 300 leagues of land (1,338,400 acres) set apart and reserved for the unorganized counties for common schools, which were allowed to be taken out of this reservation, and is now being surveyed in it. These lands being entirely for common schools, a corresponding amount might be surveyed in the reservation for the University without connecting alternate school lands with the surveys. Some of the reserved lands have been sold and more has been and will be surveyed for sale, before any action can be taken by the Legislature. There will still be left an amount sufficient, if the Legislature acts promptly at this session.

Another consideration is that the bonded debt which the money derived from these lands is designed to pay, has been largely reduced from other sources, and the bonds have greatly increased in price in the market. Our seven per cent bonds, due in 1905, rate at \$140 to the \$100. The six per cent bonds rate not much less, if any, and the five per cent bonds rate at 115. One acre of these reserved lands sold for fifty cents would diminish the amount of our bonded debt a little over thirty-cents. And if the price of the lands was raised to one dollar per acre, then an acre would pay but a little over seventy cents, besides the premium on our seven per cent bonds. If our bonds should continue to enhance in price in the market, as they have done during the three years past, they will simply be beyond the reach of any reasonable investment, and will therefore be substantially out of the market. The payment of the interest on our bonds will henceforth require the appropriation of a small sinking fund, now not more than about \$60,000 per annum, and will gradually decrease every two years, until the bonded debt is discharged. Under these circumstances, the lands can well be spared to increase the endowment of the University and its branches, so as to make it what it is required to be by the Constitution, a university of the first class; and thereby provide for all of the higher grades of education, correspondingly with the magnificent provision already made for common schools. It can be done now safely in reference to the public interests. This is the last chance to do it, by an appropriation of public lands. It must be done soon, or never, without a resort to taxation by change of the Constitution. Without it is done, the University of Texas, instead of being of the first class, will drag along in comparative insignificance for many years to come, until State pride, self-interest and patriotism will

conspire to demand that the means shall be furnished, by taxation or otherwise, to raise it to a high standard, commensurate with the intelligence, wealth, and future greatness of this empire State of the southwest. Is it possible that we are going to continue to send off our young men and women to other States and countries to receive an education in the higher branches? or what is no better, if not worse, to perpetually import from other States and countries that have universities of the first class, learned men, statesmen, lawyers, judges, preachers, teachers, scientists, geologists, architects, artisans, engineers, skilled miners, mechanics and agriculturists to take the lead in administering the laws, in elevating our civilization, and generally to develop the vast and varied capacities of this beautiful and grand country of ours? It is to be hoped not, for these are the class of men who must, by their cultivated intellect and skill in their employments, shape and execute the laws, give tone to the social standard, and direct labor of the masses in material development. The whole question about the establishment of a first-class university, and its branches, is, shall Texas give her own native-born sons and daughters the facilities for fitting themselves to occupy those higher walks of life, so necessary in the proper direction of her future destiny, or will she leave her own sons and daughters to be kept in a lower sphere of life, and be therein directed by the learning and skill of strangers, sons and daughters of other States, who will come here and fill the places which her own sons and daughters ought to occupy, and will occupy if they are given a fair opportunity to do it?

Every great State should rear its own men in every stature of manhood, of intelligence and of culture, according to their capabilities, upon its own soil, and thereby engender and preserve an intense homogeneity in the character of its population, which must result in the concentrated power and elevated prosperity of the whole body politic in association. This full result can be attained only by promoting all of the grades of education, from the lowest to the highest, in harmonious co-operation, adapted to the diversified wants of every class of people, whatever may be their pursuits in life. Nor will the benefits of the University and its branches be confined to the sons of the wealthy few. By no means will that be so. Place the facilities of a higher education before the people of this State, make it a reality, make it complete and cheap by a splendid endowment, and youths all over this broad land, who catch the inspiration of high native talent in our common schools, will, if necessary, struggle up through poverty, and through adversity, by labor and by perseverance, until they will stand in the front ranks of the most gifted and favored in the halls of learning, and afterwards will adorn every sphere of life with their brilliant accomplishments and practical usefulness. So it has been in other countries, and so it will be here.

By adding 2,000,000 of acres of land to the 1,000,000 of acres heretofore set apart for the University, and making proper arrangements for its disposition, a permanent fund might be accumulated that would ultimately be adequate to meet the expense of establishing and maintaining a first-class university.

One thing that will retard its growth is, that the interest on the sales of lands can not be used as available fund, like the interest accruing on the sales of lands belonging to the public free schools. That difficulty exists also with the county school lands, and therefore it might be practicable to have the Constitution changed as to both of them together in the same amendment. The Constitution is silent as to any other mode of disposing of the University lands, except by sale, and is also silent as to any other mode of realizing an annual available fund for the support of the University than accruing interest on the lands.

A lease of the lands, if found practicable, may obviate the difficulty, by allowing the rents to be paid directly to the regents, for defraying the expenses of establishing and carrying on the institution. The price of the land should at once be fixed, at least at a dollar per acre.

In furtherance of the same object, I respectfully recommend that an act be passed recognizing the validity of the bonds issued in 1867, with the investment of the interest that would belong to the permanent fund, and the appropriation of the interest that would belong to the available fund, as suggested and recommended by the Comptroller in his report that was laid before the Board of Regents, to which reference has already been made.

I would also respectfully recommend that the Board of Directors of the Agricultural and Mechanical branch of the University be dispensed with, and the number of regents be enlarged, so as to incorporate in the same body the directors and regents. There is no use for two boards. A positive disadvantage might often result from a want of harmony between them. With a common control by the Board of Regents over all of the branches, and a provision of ample means to support them all, and build them up gradually together, according to the relative importance of each one, all strife for the advancement of one to the prejudice of the others would not be al-

lowed to exist, and each one could have its due share of promotion, according to the means at command, and as would best forward the interests of the country.

Your attention is invited to the institutions or learning already established, and in part sustained by appropriations from the University fund, to-wit: the Agricultural and Mechanical College and the Prairie View Normal School.

The donation of lands by the United States to induce the establishment of an agricultural and mechanical college was accepted by the State and was converted into Texas State bonds, which bring an interest now amounting, annually to \$14,280. It was provided in the act of donation that none of this money should be expended for buildings or repairs, but should be applied to the maintenance of the school. The State of Texas appropriated (including the appropriation of \$40,000 in 1876) about \$180,000 in the erection of the buildings, and for other improvements of the said college. In 1875 a law was passed organizing said college and providing that the interest of the special fund donated by the United States should be applied to pay the directors, professors and officers of the college, and it has been used exclusively for that purpose. The annual interest now is about \$2200 in excess of the amount necessary to pay the professors and officers. At the last session of the Legislature an act was passed limiting the pay of the directors to their actual expenses incurred in attending the meetings of the board, to be paid out of the interest of the University fund. By the Constitution that went into effect on the seventeenth of April, 1876, the Agricultural and Mechanical College was made a branch of the University of Texas, "for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith." I respectfully refer you to "the Report of the Agricultural and Mechanical College," herewith submitted, to show you that it is now an institution especially devoted to those objects. The facts that I have here stated will suffice to show that the resources from which it is to be maintained and improved are the special fund donated by the United States, the University fund, the tuition of the pay students, and the profits of that which may be produced in the agricultural and mechanical operations at the college.

At the last session of the Legislature an appropriation was made out of the University fund, \$7,500 for two years, to maintain and instruct three students from each one of the senatorial districts in the State, making ninety-three in all. The report submitted to you shows the amount required to be appropriated to carry on the school to the end of this appropriation year will be \$3,360.

This school is an experiment, the policy of which was inaugurated by the United States, by the donation of lands, to aid the State in establishing and maintaining it. Its object is to afford facilities for a species of education that will secure skilled labor in our own country, instead of importing it from other States and countries. It is something that has not heretofore entered into the habits of the people of Texas, and consequently has not been properly appreciated by them as an element of material development. Hence the Legislature made the appropriation to maintain a number of students free of charge, drawn from different parts of the State, whose education and training at the school would exhibit all over the State the great importance of that species of education.

The success of the institution depends largely upon continuing this appropriation and making it adequate so long as it may be necessary to give the experiment a fair trial. In view of the vast material interests in Texas, now awaiting development, there certainly can be no branch of education, above that of a common school, more important than that which would enable the sons of Texas to fill the positions of skilled labor, that must and will be filled by others, if not by them, in building up the future prosperity of the State.

In the organization of this college there was no provision for the admission of colored youths, although the donation made by the United States to maintain it may well be presumed to have been intended for all classes of citizens within the State.

To make some corresponding provision for the colored people, an effort was made in the Fifteenth Legislature (1876) to establish a branch of the Agricultural and Mechanical College for colored youths, which resulted in the passage of a law "to establish an agricultural and mechanical college for the benefit of the colored youths," appropriating \$20,000 "to locate, erect, furnish and operate said college," and placing it under the control of the board of directors of the Agricultural and Mechanical College.

Instead of the building being erected, the land and buildings of Alta Vista, near Hempstead, were purchased and the school organized, and was kept up with a few scholars for a short time, but was entirely without scholars before January 1, 1879. The said appropriation covered the said purchase and the operating of said school while it was kept up in the shape in which it was first inaugurated. This appropriation was made and paid out of the general revenue, and not out of the University fund. Considering that the Legisla-

ture was acting under a constitution that had gone into effect only a few months, it is more reasonable that this was an inadvertence than that they intended to abandon the evident intention of making an addition to the A. and M. College for the benefit of the colored people of the State, compensating them, to some extent, for their not being allowed to enter the college already established, mixed schools of white and colored students being against the policy of the State. It is evident also that this was not intended by the Legislature to be the "college or branch university" referred to in section 14, article 8, of the Constitution. For in the same section providing for that branch it is expressly provided that its location shall be determined by a vote of the people, and that "no tax shall be levied and no money appropriated out of the general revenue for this purpose," which could hardly have escaped the attention of the Legislature if they had intended by this act to establish the "college or branch university."

The Sixteenth Legislature (1879) passed a law "for the organization and support of a normal school at Prairie View (formerly called Alta Vista), in Waller county, for the preparation and training of colored teachers." This act retained the school under the control of the Directors of the Agricultural and Mechanical College, and the labor feature also as a part of the employment of the students, adding the normal features similar to those in the Sam Houston Normal school, established at the same session of the Legislature, which were certainly not incongruous, or inconsistent with the original design of this school, as an addition to the Agricultural and Mechanical College, for the benefit of colored citizens in special branches of education. This act made it "the duty of the Comptroller of Public Accounts annually to set apart, out of the interest accruing from the University fund, appropriated for the support of public free schools, the sum of \$6000 for the support of said normal schools." There was, in fact, then no "interest accruing from the University fund" that had been, or could then be, under our present Constitution, "appropriated for the support of public free schools." This was construed to be an appropriation simply out of the University available fund, by the Hon. S. H. Darden, then Comptroller, and afterwards so construed, and acted upon by the present Comptroller, Hon. W. M. Brown, until this appropriation for two years was exhausted in the support of said school during its first two sessions, ending in June of 1881, during all which time both features, in the operations of said school, to-wit: labor-employments, and the training for teachers, were carried out in proportion to the facilities furnished for them.

To exhibit further the character and relation of the school being thus instituted by the Sixteenth Legislature, according to their own conception of it, reference may be made to two other enactments by them. In the Revised Civil Statutes, adopted at the regular session of 1879, it is styled the "Agricultural and Mechanical College, for the benefit of colored youths, located in Waller county," and is placed under the "supervision and control of the board of directors of the Agricultural and Mechanical College, located in Brazos county," who were given, in all respects, the same powers, and required to perform the same duties, in reference to the college named, as they are clothed with in reference to the Agricultural and Mechanical College located in Brazos county. This, doubtless, was inserted by the digesters before the act reforming the school at that session, and may not have attracted the attention of the Legislature. But not so with the act of the special session of the same Legislature, approved the ninth of July, 1879, making supplemental appropriations, as follows, to-wit:

"PRAIRIE VIEW AGRICULTURAL COLLEGE,

"Additional for the branch agricultural college for the colored youths, at Prairie View, to be taken from the university fund, \$1,600

Upon the convening of the Seventeenth Legislature, in January, 1881, my message presented my views in regard to this school, stating, in substance, that in view of its main benefits, it was simply a normal school, and, therefore, it was doubtful whether it could be supported by appropriations out of the University fund; and expressed the same thing in regard to the support of the Sam Houston normal school, out of the fund of the public free schools; and urged the propriety of supporting both of said schools by appropriations from the general revenue; and that, as they were necessary auxiliaries of our common schools, the amounts appropriated to them be deducted from the amount of the general revenue that would otherwise be appropriated and distributed to the public free schools in the counties of the State. Notwithstanding this urgent recommendation, the Legislature persisted in retaining this school as an adjunct to the Agricultural and Mechanical College, and, consequently as a part of the University of Texas, by an appropriation act, approved April 1, 1881, in which the following is found, to-wit: "Support of Prairie View Normal Institute, for the years ending August 31, 1882, and August 31, 1883, out of the university fund, \$6,000" (each year). To this was

added an appropriation, for two mules, a wagon and other things, of \$2,000 out of the University fund.

It is well known that the question as to what was the proper fund out of which this appropriation was to be taken, was duly considered and settled by the Legislature. This doubt about the constitutionality of the appropriation was produced by a consideration of the conflicting conclusions to be drawn from the different laws passed, indicating its object, its organization, and its status in our school system; and the object of my recommendation was to relieve it from that attitude. When, however, the Seventeenth Legislature followed the example of the previous Legislature in appropriating money for its support out of the University fund, I considered that there was enough in the history of the Legislature, and the facts pertaining to the school, to justify its being regarded as part of or an addition to the Agricultural and Mechanical College, as it had evidently been by both the Sixteenth and Seventeenth Legislatures, and therefore I did not object, in the mode pointed out by the Constitution, to the appropriation thus made.

In January last I learned, by a publication of the Comptroller's opinion in the Galveston News of the twelfth of that month, that he had refused to audit accounts made in support of the Prairie View Normal School during its present session upon the ground that the law making an appropriation for its support out of the University fund was unconstitutional and void. The issue thus raised between the Legislature and the Comptroller, by a difference of opinion on that subject, I do not now propose to discuss before your honorable bodies, as I am not officially a party in it. The Legislature being now in session to take such action as may be deemed right and proper, it is only necessary to explain what has been done to sustain the school, notwithstanding that decision.

Shortly after I heard of that decision the Hon. Wm. M. Brown, Comptroller, upon my invitation, did me the courtesy to call on me in my room where I was confined from sickness, and hear from me such arguments as I could then adduce to induce him to audit the accounts as he had been doing, and defer his final decision until the Legislature should be convened. Understanding that he was willing to hold the matter under consideration, I set about presenting my views in a letter to him more fully than I had done. That letter was written not in a spirit of dictation, and with an express recognition of his conscientiousness in the formation of his judgment as to his duty. In the mean time a letter was addressed to me by E. H. Anderson, the principal of the school, stating that the accounts for three months (amounting to \$1863.44) had not been paid, that he had only two weeks supplies, no credit and no money, and expressing the hope that some way could be devised to continue the school. I had written to the Hon. E. B. Pickett, President of the Board of Directors of the Agricultural and Mechanical College, advising that some effort should be made to sustain the school, if it became necessary. No answer was received, but the news of his death reached here before my letter to the Comptroller was finished. The president of the board was the only person authorized by law to convene the board for action. Just as the letter was finished I was informed by the Hon. Wm. M. Brown that he adhered to his decision. I wrote at once to Mr. C. C. Wiggins at Houston, one of the directors of the Agricultural and Mechanical College, suggesting the propriety of his using his influence to get supplies and other means advanced to support the school, upon the faith that the Legislature when it met would provide for the payment of the accounts, to which matter he promptly applied himself.

The publication of my letter having attracted public attention to the condition of the school, several gentlemen generously and voluntarily undertook to aid in advancing means to support the school until the Legislature should meet and act on the subject. Messrs. Ellis & Carson, merchants of the city of Houston, have furnished supplies, about \$300 worth per month for February, March and April. Col. James M. Burroughs, of Galveston, furnished \$300 in money per month for the months of February and March, and Jas. H. Raymond & Co., of Austin, furnished \$300 in money for the month of April.

Those gentlemen would have furnished more if necessary. Accounts for the supplies and money advanced and expended for the support of the school will be duly made out for approval. Their amounts, with the amounts of the accounts that were rejected, will be furnished to the Legislature.

The accounts for the support of State students at the Agricultural and Mechanical College, not having been approved by the president of the board, E. B. Pickett, could not be audited for payment by the Comptroller.

Upon my suggestion, the directors met at the Agricultural and Mechanical College on the ninth of February last, elected a president of the board, and provided for having reports made of their proceedings in regard to both of the schools, which are respectfully herewith submitted. One of their recommendations was that \$2300 of the annual interest of the special fund donated by Congress be

set apart to pay teachers in the Prairie View Normal School, that amount not being needed to pay the professors and officers of the Agricultural and Mechanical College. This was doubtless made in anticipation that the Legislature would adhere to its determination to preserve and continue the connection between the two schools. In the event of that determination, I would respectfully recommend not only that to be done, as an act of simple justice to the colored race, in giving them a small share of the benefit derived from the special fund donated by the Federal government, but also that the laws relating to that school be so amended to indicate that connection, by such express and unequivocal terms and provisions as to leave no possible grounds for doubt about it; and also, in any event, I recommend that ample provision shall be made to pay the expenses that have been and may be incurred in the support of said Prairie View Normal School, and to perpetuate its existence as a permanent institution of the State.

In regard to these two schools, considered and treated as they have been by the Legislature as a part of the University of Texas, the practical question is, what substantial benefit would it be to the main University located at Austin, and to the medical department at Galveston, if the appropriations that have been made to support State students at the Agricultural and Mechanical College and to carry on the Prairie View Normal School were to be withdrawn.

The \$47,000; or at most the \$68,000 of available fund that will have accrued by the first day of January, 1883, supplemented by the subsequently accruing interest annually of \$20,000 or \$29,000, aided by the annual increase of \$2000 from the sale of lands and the investment of its proceeds, will not be sufficient means to erect the necessary buildings, buy libraries, apparatus, furniture, and other necessary appliances, and pay professors for a first class university, embracing the main university and medical department alone for many years to come.

The continued encouragement of the two schools already established, and in successful operation, will do good in the promotion of education commensurate with the bounty given them. Why cripple them in their progress, in the ineffectual effort to establish and maintain something higher? It would seem to be far more practical to hold on to what has been attained and gradually build up the higher departments as it may be found practicable, by increasing the University permanent fund, as recommended, and by utilizing it more speedily, so that as soon as practicable it can be made adequate to the support of the University, with all of its branches, in harmonious co-operation. That being done, and our magnificent provision for common schools being also properly utilized, and a free education of every grade, from the highest to the lowest, offered to every class of our citizens, Texas may rear upon her own soil the elements of greatness in the general and elevated intelligence of her people, as well as in her industrial enterprises and products, and thereby fulfil a grand destiny, which her fertile soils, her salubrious climate and her large extent of territory invitingly demand for her.

THE SALE, LEASING OR OTHER DISPOSITION OF THE PUBLIC LANDS.

Another purpose for which the Legislature has been convened is to make further provision for the disposition, by sale, lease or otherwise, of lands belonging to the public free schools, to the University, to the asylums, and of the lands reserved to pay the public debt.

Our financial condition, our State credit, as indicated by the price of our bonds in the market, our small public debt, our low and diminishing taxes, our railroads, now spanning the State in different directions, the rapidly increasing prosperity of our people and the immensity of their varied products, the vast endowments of lands for educational purposes, our wide extended domain of fertile lands, offered for sale cheaply, have at last been heard of and credited abroad. Consequently population, enterprise and capital are more attracted to Texas now than ever before. They are principally directed towards western Texas, where most of our school lands, University lands and asylum lands, and lands reserved to pay the public debt are located. Those lands are valuable for grazing and for the raising of small grains, and at present, to no very great extent relatively, for the production of mixed crops, such as are produced with remarkable certainty in most of the settled parts of the State. The scarcity of wood and water in many parts of it makes its present utilization depend largely upon capital and enterprise. Much of it is being utilized for private gain by the grazing of large stocks of cattle, sheep and horses, that are making millions of money for their owners, who have parcelled out the country, each by tacit consent, or other agreement, each respecting the other's claim of territory, as if the land belonged to them. These stockmen must now be aware that men of capital are coming thick and fast from other States to buy the lands to make wheat farms and stock ranches, where their stocks are now grazing, unless they buy or otherwise get legal control of the lands themselves.

The time, long deferred, has now fortunately arrived when these lands can be utilized for the benefit of our school children and to build up an University with its branches. Such objects, that are now within our grasp, if we will but reach out for them now, should not be postponed under the plea, that the lands should be held up, and offered for sale in small bodies for settlers. This has always been delusive, having for the most part, as may well be suspected, been set up and urged by persons who had lands of their own to sell.

That this policy so long heretofore engrafted on the State has not had the effect to place settlers on the public lands, is demonstrated by the fact, that although during the last forty years pre-emptions have been granted to settlers, and during that time our population increased many hundred thousands, there were only about eighteen thousand applicants for pre-emptions, and many of them abandoned their claims, and during the five and one-half years that common school lands were offered for sale to settlers, who might purchase only one hundred and sixty acres at one dollar and a half per acre, payable with interest in ten years, there were only about 10,000 acres sold each year. The law of 1879 allowing the purchase of three sections of land, without requiring settlement on them, and that of the last session extending it to seven sections, have given an impetus to the sale, by which more than 1,000,000 of acres of school lands have been sold in less than three years.

If these lands should be offered for sale in still larger quantities, on a long credit, with moderately low interest, or if they should be leased upon a reasonable rent, men of both large and small means, can, and will, take up the lands rapidly for stock, and also for farming, where it is profitable, with the peculiar advantage of investing all of their means in stock or farming operations, instead of only a part of them, as is the case in those States where land can be obtained only by paying ready money for them. This will readily enlarge our common school facilities, and increase the scholastic term every year, by the rapid increase of the available fund, because the interest on the notes, for which the land was sold, as well as the notes, can be used annually, and the available fund of the University, and of county school lands, might be increased in the same way, by an amendment of the Constitution, which would be readily adopted if offered to a vote of the people at a regular session of the Legislature. This would make it necessary to create a land agency for the management of this business, either separately or in connection with the State executive officers who now have charge of it, as I have heretofore recommended. I would respectfully refer you to the Report of the Commissioner of the General Land Office for a general view of our land system, and especially to his valuable suggestions about our mineral, and pine timber lands, as to the proper means of utilizing them.

It may be anticipated with a certainty that a vigorous effort will be made to open up the reservation made in 1879, of lands to pay the public debt, and for the common schools, for the location of railroad certificates upon them. For some time those certificates have been issued with the full knowledge on the part of those who demanded and received them, and of those who sold and bought them generally, that the public lands subject to location were nearly, if not quite, exhausted, and hence the market price has been, and is, less than ten cents per acre. They have been bought on speculation, and if the owners generally could get one-third of them located on good pastoral or farming lands, a good profit would be realized. Still it is doubtful whether or not they would be satisfied with it, if such an arrangement could be made through the passage of a law, shaped as it may be.

If the grounds of an equitable claim upon the State is left behind to linger and get strength by the oblivion of the facts now well known, the larger the future claim for compensation, the more dangerous to the interests of the State it will be. Texas has had a sore experience in claims of this sort in the instances of Peter's and Mercer's colony contracts, as well as in others, of which it is not yet entirely clear, after the lapse of nearly forty years. The alternative is presented to the Legislature between the opening of the reservation to the location of the certificates, except as to the claim set up for the University, or the retention of the reservation with the entailment of a lobby prosecution of the claim for all time to come, until some sort of a compromise shall have been effected, as has been the case in other claims. Whatever may be your determination of this issue, I respectfully recommend that laws be passed at once to raise the price of lands in said reservation to at least one dollar per acre, and to repeal all laws granting land certificates to railroad companies, which subjects are hereby submitted to you for action during the present session.

RAILROAD REGULATION.

Another purpose for convening this special session is to pass necessary laws to require the railroads in the State to be kept in good condition, so as to render travel and transportation on them safe

and expeditious, and to prevent abuses and unjust discriminations; to regulate freights and passenger tariffs, and to provide practical remedies for the enforcement of such laws, not only on the companies, but on the officers who manage and control said railroads.

Knowing that the Seventeenth Legislature, at its regular session, had devoted much attention to this subject, in obedience to the public demand for necessary remedies to correct such evils as are known to exist, I felt it to be due to the members to give them an opportunity to formulate into laws whatever conclusions they had reached, and could agree upon.

This is a broad and complex subject, upon the discussion of which I do not propose to enter now to any great extent. Upon the one hand the railroad interest has become and is now of great proportions, that deserves full protection; on the other, those who control them should not be allowed to abuse the public franchise granted to them, and impose an onerous and unreasonable tax upon the commerce and production of the country.

Fortunately our Constitution points out specially the power that may be exercised over them in their operations, and the mode of exercising it. It is regulation—regulation of them as public carriers in charge of public highways for private profit by their use—regulation of them as artificial persons, the use of whose property, in its management by them, may be restrained by laws from inflicting wrongs upon others, and such laws are required to be enforced by proper penalties. So immense and complicated are the details in the management and business of railroads, that it is doubtful whether there ever can be a complete and just regulation of them by the Legislature until there is appointed an engineer, inspector, or advisory commissioner, to inspect and report such wrongs and evils as may exist, so that the proper remedies may be adopted and applied for their correction, which is respectfully recommended to be done at this session. Some things may be so obvious, as that regulation can be applied with safety; for instance, it is obvious and publicly well known that railroads have been kept in use while the defects in the tracks and machinery rendered travel and transportation exceedingly hazardous. The passenger tariff might be brought down to three cents per mile, instead of five, as now charged. The greatest evil is in discriminations in favor of some persons and places to the injury of other persons and places. This is an evil that should not be left to be corrected by remedies given to individuals for their own protection. They cannot cope with great corporate powers, and will suffer wrong and be deterred, by the danger of ruin in their business, from undertaking to redress it. It must be done, if ever, by the strong arm of the State, by imposing penalties upon the officers and agents who perpetrate the wrongs, as well as upon the company in its corporate capacity, to be reached only through its property. What is an unjust discrimination involves a very great variety of matters to be considered, and it is not to the interest of the companies to be communicative to the public in giving information upon them. Information on the subject is to be obtained only occasionally, and in isolated representations of particular transactions, so that the great volume of their business is as a sealed book to the general public. The object of my remarks, therefore, is more to show the necessity of taking the proper steps to get accurate and comprehensive information, that can be safely acted on, than to suggest any matured mode of relief. If, however, this should fail, there is a remedy pointed out by the power conferred in the Constitution to establish reasonable maximum rates of charges for freights on railroads. This may be done either on the value or on the weight of articles transported, or on a combination of both. By gradually making the maximum lower from time to time, the tendency will be to equalize freights as between places and persons, and when an injurious effect on commerce, or on the railroad interest, is produced by that process, the public are likely to be informed of it by those who are interested, and who are intimately acquainted with the business.

Another reason for obtaining accurate and extensive information arises out of the great combinations that have been formed, and may continue to be increased in this State, and the pooling of competing lines of railroads. By such means competition is prevented, which has been usually regarded as the check upon the grasping exactions of a powerful monopoly. It is evident now that Texas must begin to put itself in condition to prevent a transportation tax upon its commerce and production, imposed at the discretion of the allied powers of railroad companies.

REDUCTION OF TAXES.

Another subject embraced in the call is to reduce the taxes, both ad valorem and occupation, so far as it may be found consistent with the support of an efficient State government. One object of submitting this is, that if it is found practicable now to reduce the taxes that are to be assessed during the next year, it should be done now rather than delay it until the next regular session. A consideration of it will be deferred a few days, when the reports of the Comptroller and Treasurer will be printed and submitted.

REDEMPTION OF LANDS SOLD FOR TAXES.

This being a matter of general interest, is respectfully submitted for your action. The object of the State in buying lands at tax sales is to enforce the collection of taxes, and not to speculate upon the misfortunes or even negligence of the people who have failed to redeem their lands in the time prescribed by law. They should be allowed time to redeem them, upon such terms as would not encourage the practice of such failures to comply with the law.

THE BOUNDARY LINE BETWEEN TEXAS AND THE UNITED STATES.

During the present session of the Congress of the United States, on the twenty-fourth day of January, 1882, a bill was introduced in the Senate, by Senator S. B. Maxey, to provide for running and establishing the boundary line between Texas and the Indian Territory of the United States, which will determine the unsettled question between Texas and the United States, as to whether Greer county is in Texas, or in the said Indian Territory. The bill has been reported on favorably by the Committee on Territories. The report contains an admission from the Department of the Interior that no report of a joint commission to determine the line had ever been made; which makes it reasonably certain that the bill will pass during the present session; and that a commissioner or commissioners will be appointed on the part of the United States to run and establish said line, in conjunction with a commissioner on the part of the State of Texas.

I, therefore, respectfully recommend that an act be passed at this special session for the appointment of a commissioner or commissioners, and a scientific surveyor for that purpose, and making an appropriation to defray the necessary expenses of said commission. And as the solution of the question will depend upon which one of the two forks of Red River, where they are crossed by the one hundredth degree of longitude, is the Red River proper, called for in the treaty defining the line, and as a determination of the issue, favorable to Texas, will establish her right to over a million acres of valuable lands, that have already, by an act of the Legislature, been reserved and appropriated to the payment of the public debt and to the public free school fund, there should be ample provision made for getting up evidence, and the ascertainment of authentic facts to be produced before said joint commission, in order that full justice may be done to our side of the question at issue.

DEFICIENCY APPROPRIATIONS.

Another subject submitted for your action, is an appropriation to cover the deficiencies in the appropriations for the year ending on the twenty-eighth of February, 1882, which will appear in the Report of the Comptroller, and also an appropriation to meet any deficiency in any matter brought before you, or to change by re-appropriation any appropriation that has not been exhausted during the year for which it was made.

AN EXPLANATION.

In the submission of these subjects for legislation, it was expected that some of them might not be acted on within the time allowed for a special session, but regarding them as the most important, it was proper that the Legislature should have the selection on which, if not on all of them, their time should be employed.

LOCAL AND SPECIAL SUBJECTS.

Applications have been made to present to you a great many subjects of a local or special character, which should not now be allowed to impede legislation upon matters of pressing necessity, and upon those relating to the operations of the State government.

Respectfully submitted.

O. M. ROBERTS, GOVERNOR.

Pending the reading of the Governor's message, on motion of Senator Ross, Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment. The President in the chair.

Roll called; quorum present.

The reading of the Governor's message was resumed and completed.

On motion of Senator Shannon 5000 copies of the Governor's message was ordered printed for the use of the Senate.

On motion of Senator Buchanan the Senate adjourned till to-morrow morning at 9:30.